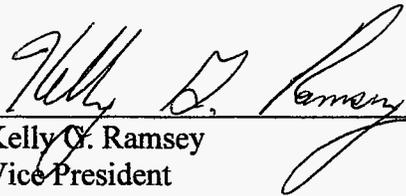


**Certification of CPNI Filing (February 6, 2006)**  
**EB-06-TC-060; EB Docket No. 06-36**  
**Cellular Phone of Kentucky, Inc.**  
**SECTION 64.2009(E) CERTIFICATION**

I, Kelly G. Ramsey, a duly authorized officer of Cellular Phone of Kentucky, Inc., hereby certify on behalf of Cellular Phone of Kentucky, Inc., that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules of the Federal Communications Commission, codified at 47 C.F.R. Subpart U, implementing Section 222 of the Communications Act of 1934, as amended.

  
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Kelly G. Ramsey  
Vice President  
Cellular Phone of Kentucky, Inc.  
February 3, 2006

**STATEMENT REGARDING OPERATING PROCEDURES  
IMPLEMENTING 47 C.F.R. SUBPART U  
GOVERNING USE OF  
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI)  
EFFECTIVE January 1<sup>st</sup>, 2006**

The following statement explains how the operating procedures of Cellular Phone of Kentucky, Inc. ensures that it is in compliance with the Commission's CPNI rules, as codified at 47 C.F.R. Subpart U.

**I. Use of customer proprietary network information without customer approval.**

**A.** Cellular Phone of Kentucky, Inc. may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from Cellular Phone of Kentucky, Inc., without customer approval. Cellular Phone of Kentucky, Inc. presently offers CMRS, Internet and Paging service to its customers.

(1) If a customer subscribes to Cellular Phone of Kentucky, Inc.'s CMRS service, Cellular Phone of Kentucky, Inc. may share that customer's CPNI with its affiliated entities that provide a service offering to the customer.

(2) If a customer does not subscribe to more than one of Cellular Phone of Kentucky, Inc.'s offerings, Cellular Phone of Kentucky, Inc. is not permitted to share CPNI with its affiliates, except as provided in § 64.2007(b). Cellular Phone of Kentucky, Inc.'s operating procedures prohibit the sharing of CPNI between affiliates in such circumstances.

**B.** Cellular Phone of Kentucky, Inc. may not use, disclose, or permit access to CPNI to market to a customer service offerings that are within a category of service to which the subscriber does not already subscribe from Cellular Phone of Kentucky, Inc., unless Cellular Phone of Kentucky, Inc. has customer approval to do so, except as described in Section I.C.

(1) Cellular Phone of Kentucky, Inc. may use, disclose, or permit access to CPNI derived from the provision of CMRS, without customer approval, for the provision of CPE and information service(s), call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversion.

(2) Cellular Phone of Kentucky, Inc. may not use, disclose or permit access to CPNI to identify or track customers that call competing service providers. For example, Cellular Phone of Kentucky, Inc.'s CMRS may not use CPNI to track all customers that call CMRS service competitors. Cellular Phone of Kentucky, Inc.'s operating procedures prohibit such use of CPNI.

C. Cellular Phone of Kentucky, Inc. may use, disclose, or permit access to CPNI, without customer approval, as follows:

(1) Cellular Phone of Kentucky, Inc. may use, disclose, or permit access to CPNI, in its provision of maintenance, and repair services.

(2) Cellular Phone of Kentucky, Inc. may use, disclose, or permit access to CPNI for the purpose of conducting research on the health effects of CMRS.

(3) Cellular Phone of Kentucky, Inc. may use CPNI to market services formerly known as adjunct-to-basic services, such as, but not limited to, voice mail, computer-provided directory assistance, and roadside assistance.

D. Cellular Phone of Kentucky, Inc. may use, disclose, or permit access to CPNI to protect Cellular Phone of Kentucky, Inc.'s rights or property, or to protect its users and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, Cellular Phone of Kentucky, Inc.'s services.

## **II. Approval required for use of customer proprietary network information.**

A. Cellular Phone of Kentucky, Inc. may obtain customer approval through written or electronic methods. Cellular Phone of Kentucky, Inc.'s operating procedures require customer approval through written or electronic methods in accordance with FCC rules.

(1) A customer's approval or disapproval obtained by Cellular Phone of Kentucky, Inc. to use, disclose, or permit access to the customer's CPNI for the use of CPNI outside of the customer's total service relationship with Cellular Phone of Kentucky, Inc. must remain in effect until the customer revokes or limits such approval or disapproval.

(2) Cellular Phone of Kentucky, Inc. must maintain records of notification and approval, whether written or electronic, for at least one year. Cellular Phone of Kentucky, Inc.'s operating procedures comply with this requirement.

### **B. Use of Opt-Out and Opt-In Approval Processes.**

(1) Cellular Phone of Kentucky, Inc. may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. Cellular Phone of Kentucky, Inc. may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents; its

affiliates that provide communications-related services; and its joint venture partners and independent contractors. Cellular Phone of Kentucky, Inc. may also permit such persons or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to joint venture partners and independent contractors shall be subject to the safeguards set forth in Section II.B(2).

(2) Joint Venture/Contractor Safeguards. If Cellular Phone of Kentucky, Inc. discloses or provides access to CPNI to its joint venture partners or independent contractors, it shall enter into confidentiality agreements with independent contractors or joint venture partners that comply with the following requirements. The confidentiality agreement shall:

(i) Require that the independent contractor or joint venture partner use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided;

(ii) Disallow the independent contractor or joint venture partner from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and

(iii) Require that the independent contractor or joint venture partner have appropriate protections in place to ensure the ongoing confidentiality of consumers' CPNI.

(3) Except for use and disclosure of CPNI that is permitted without customer approval under Section I, or that is described Section II.B(1), or as otherwise provided in section 222 of the Communications Act of 1934, as amended, Cellular Phone of Kentucky, Inc. may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

### **III. Notice required for use of customer proprietary network information.**

#### **A. Notification, Generally.**

(1) Prior to any solicitation for customer approval, Cellular Phone of Kentucky, Inc. must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

(2) Cellular Phone of Kentucky, Inc. must maintain records of notification, whether written or electronic, for at least one year.

**B.** Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

C. Content of Notice.

Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit Cellular Phone of Kentucky, Inc. to use, disclose, or permit access to, the customer's CPNI.

(1) The notification must state that the customer has a right, and Cellular Phone of Kentucky, Inc. has a duty, under federal law, to protect the confidentiality of CPNI.

(2) The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

(3) The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, Cellular Phone of Kentucky, Inc. may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

(4) The notification must be comprehensible and must not be misleading.

(5) If written notification is provided, the notice must be clearly legible, use sufficiently large type, and be placed in an area so as to be readily apparent to a customer.

(6) If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

(7) Cellular Phone of Kentucky, Inc. may state in the notification that the customer's approval to use CPNI may enhance Cellular Phone of Kentucky, Inc.'s ability to offer products and services tailored to the customer's needs. Cellular Phone of Kentucky, Inc. also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

(8) Cellular Phone of Kentucky, Inc. may not include in the notification any statement attempting to encourage a customer to freeze third-party access to CPNI.

(9) The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes from Cellular Phone of Kentucky, Inc. is valid until the customer affirmatively revokes or limits such approval or denial.

(10) Cellular Phone of Kentucky, Inc.'s solicitation for approval must be proximate to the notification of a customer's CPNI rights.

**D. Notice Requirements Specific to Opt-Out.**

Cellular Phone of Kentucky, Inc. must provide notification to obtain opt-out approval through electronic or written methods, the contents of any such notification must comply with the requirements of paragraph C of this section.

(1) Cellular Phone of Kentucky, Inc. must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. Cellular Phone of Kentucky, Inc. may, in its discretion, provide for a longer period. Cellular Phone of Kentucky, Inc. must notify customers as to the applicable waiting period for a response before approval is assumed.

(i) In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

(ii) In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

(2) Insofar as Cellular Phone of Kentucky, Inc. is using the opt-out mechanism, it must provide notices to its customers every two years.

(3) If Cellular Phone of Kentucky, Inc. uses e-mail to provide opt-out notices, it must comply with the following requirements in addition to the requirements generally applicable to notification:

(i) Cellular Phone of Kentucky, Inc. must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding its service in general, or CPNI in particular;

(ii) Cellular Phone of Kentucky, Inc. must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

(iii) Opt-out e-mail notices that are returned to Cellular Phone of Kentucky, Inc. as undeliverable must be sent to the customer in another form before Cellular Phone of Kentucky, Inc. may consider the customer to have received notice;

(iv) Cellular Phone of Kentucky, Inc. must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and

(v) Cellular Phone of Kentucky, Inc. must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. Cellular Phone of Kentucky, Inc. may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no cost and are able to effectuate that choice whenever they choose.

**E. Notice Requirements Specific to Opt-In.**

Cellular Phone of Kentucky, Inc. may provide notification to obtain opt-in approval through written or electronic methods. The contents of any such notification must comply with the requirements of paragraph C of this section.

**F. Notice Requirements Specific to One-Time Use of CPNI.**

(1) Cellular Phone of Kentucky, Inc. may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether Cellular Phone of Kentucky, Inc. uses opt-out or opt-in approval based on the nature of the contact.

(2) The contents of any such notification must comply with the requirements of paragraph C of this section, except that Cellular Phone of Kentucky, Inc. may omit any of the following notice provisions if not relevant to the limited use for which Cellular Phone of Kentucky, Inc. seeks CPNI:

(i) Cellular Phone of Kentucky, Inc. need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

(ii) Cellular Phone of Kentucky, Inc. need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities, if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

(iii) Cellular Phone of Kentucky, Inc. need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as Cellular Phone of Kentucky, Inc. explains to customers that the scope of the approval Cellular Phone of Kentucky, Inc. seeks is limited to one-time use; and

(iv) Cellular Phone of Kentucky, Inc. may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as Cellular Phone of Kentucky, Inc. clearly communicates that the customer can deny access to his CPNI for the call.

#### **IV. Safeguards required for use of customer proprietary network information.**

**A.** Cellular Phone of Kentucky, Inc. must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

**B.** Cellular Phone of Kentucky, Inc. must train its personnel as to when they are and are not authorized to use CPNI, and Cellular Phone of Kentucky, Inc. must have an express disciplinary process in place.

**C.** Cellular Phone of Kentucky, Inc. must maintain a record, electronically or in some other manner, of its own and its affiliates' sales and marketing campaigns that use its customers' CPNI. Cellular Phone of Kentucky, Inc. shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Cellular Phone of Kentucky, Inc. shall retain the record for a minimum of one year.

**D.** Cellular Phone of Kentucky, Inc. must establish a supervisory review process regarding its compliance with the FCC's CPNI rules for outbound marketing situations and maintain records of its compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

**E.** Cellular Phone of Kentucky, Inc. must have an officer, as an agent of Cellular Phone of Kentucky, Inc., sign a compliance certificate on an annual basis stating that the officer has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this subpart. Cellular Phone of Kentucky, Inc. must provide a statement accompanying the certificate explaining how its operating procedures ensure that it is or is not in compliance with the rules in this subpart.

**F.** Cellular Phone of Kentucky, Inc. must provide written notice within five business days to the FCC of any instance where the opt-out mechanisms do not work properly, to such a degree that consumers' inability to opt-out is more than an anomaly.

**(1)** The notice shall be in the form of a letter, and shall include Cellular Phone of Kentucky, Inc.'s name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, whether the relevant state commission(s) has been notified and whether it has taken any action, a copy of the notice provided to customers, and contact information.

**(2)** Such notice must be submitted even if Cellular Phone of Kentucky, Inc. offers other methods by which consumers may opt-out.